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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,739	08/05/2003	Heath Knight-Newbury	3390.2.13	6626

21552 7590 06/15/2005

MADSON & METCALF  
GATEWAY TOWER WEST  
SUITE 900  
15 WEST SOUTH TEMPLE  
SALT LAKE CITY, UT 84101

EXAMINER
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DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/634,739		KNIGHT-NEWBURY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	David Dunn		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/01/03</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

*KC*

### **DETAILED ACTION**

Preliminary note: as noted by the Notice of Non-Complaint Amendment mailed May 18, 2004, the preliminary amendments are non-compliant. As no response has been filed to this notice, the preliminary amendments have not been entered.

Therefore, this Office Action is responsive to the originally filed claims (1-13).

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed December 1, 2003 is acknowledged. See enclosed IDS form.

#### ***Claim Objections***

3. Claims 5-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the suspension" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 is also indefinite as the final paragraph of the claim recites the flow of fluid "therebetween from within the chamber". It is unclear what the fluid is flowing between. The examiner recommends either deleting the word "therebetween" or using another term such as "therethrough". Note that this word is used twice in the claim.

6. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Haland (GB 2,355,434; cited in IDS) in view of Johnson (5,111,735).

Halander discloses a safety arrangement for a motor vehicle, the safety arrangement comprising: a crash sensor (10); and a component of the suspension (13) of adjustable length; the component comprising a chamber (19) having a fluid outlet with a valve arrangement (21), the valve being actuatable in response to the signal from the sensor to permit fluid to escape from the chamber (see Page 9), thereby reducing the overall length of the chamber to lower the front part of the vehicle (see Figures 4 and 5).

Halander fails to show the specifics of the valve having a valve member.

Johnson teaches an air spring having a valve member having a valve seat (30) and a valve member (69) moveable between a first position in which the valve member seals against the valve seat to prevent the flow of fluid from the chamber (see Figure 1), and a second position in which the valve member is spaced from the seat to permit the flow of fluid from the chamber (see Figure 4), the valve member initially being urged towards the first position by a pilot fluid supply (78) at a pressure substantially equal to or greater than the pressure of the fluid within the chamber (see column 4, lines 57-65: "the force acting on the inner side 68 of the valve plate exceeds the force acting on the outer side 69"), there being provided an actuating arrangement to reduce the pressure of the pilot fluid supply below the pressure of the fluid within the chamber so as to move the valve member towards the second position (see column 5, lines 29-60). Johnson shows the valve arrangement on a side wall of the chamber (the lower wall of the chamber is a side wall).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Halander with the teachings of Johnson in order to provide a quick release valve to quickly lower the air spring.

*Allowable Subject Matter*

9. Claims 2 and 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

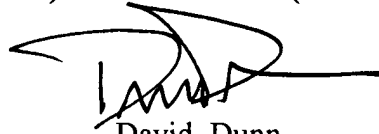
*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haland ('579) is cited as the US equivalent of GB 2355434). Streiter shows an active suspension of interest. Breitenbacher et al. shows a suspension of interest. Easter shows an air spring of interest. Albert et al. shows a valve of interest. Buma shows a suspension of interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal stroke extending to the right.

David Dunn  
Primary Examiner  
Art Unit 3616